Empires—ought not to be the foundation for any demand on the part of the United States. Here there was not age, but eternal youth, and the United States should. Mr. Mason soud, treat Great Britain with the same consideration and contage with which we would treat with Costs Rica, feethe as it was, or with the allied Possers, night; as they were. The United States were entitled to their own rights, and whether those rights were instrumed upon to the weakerst or the Strongest fringed upon to the weakerst or the Strongest.

a distinguished writer of inter-suspended the obligation ediance to other principles. The tence involved the right to take attoracy measures as might be

to act in obedience to other principles. This right of defence involved the right to take such precautionary measures as might be deemed sufficient.

This not only included the right to erect fortifications, but to go into neutral or friendly territory to make assault upon the enemy, and in support of this contention. Mr. Mason quoted numerous legal decisions. He showed that British forces had come into American territory and boarded certain vessels, and that England had demanded a "deposit" of the Danish fleet, on the ground that Denmark was in secret alliance with France, to the end that France might take possessiohn of the Danish fleet and use it against England. These and other decisions proved, from Mr. Mason's point of view, that if the United States should, under a treaty with Nicaraguand Costa Rica, construct this canal at its own cost, it would have a natural right to protect it by precautionary steps unless prohibited by treaty. It followed, therefore, Mr. Mason continued, that the natural right of defence was more fixed and certain under international law if the United States acquired property and built the canal as a national investment than it would be under the plan contemplated in the Clayton-Bulwer treaty.

As a national investment the United States

treaty.

As a national investment the United States would have a right to expect to receive different consideration in the matter of protection to the canal than it could have received had the canal been built by private enterprise asking the guaranteed neutrality of the whole world. The purport of this part of Mr. Mason's argument was not so much to show the changed conditions that existed now, but to prove that a different rule of law would apply if the United States were to make a treaty at the present time and, in accordance with the present plan, to construct this canal as a purely Government affair.

as a purely Government affair

Mr. Mason does not expect his amendment
to presait. He will vote for the pending
amendment and will vote against the ratification of the Hay-Pauncefote treaty, because he believes it should not be ratified
without either direct or implied authority
to fortify the canel

Lived in a Cloud of Cigarette Smoke and Shot Down His Friend, the Station Agent at Scaredale, in Order to Rob Him In Jall & Year Jury Box Nearly Filled Edgar Channing Burnz, who still lacks six months of being 21 years old, was brought

to trial yesterday before Judge Keogh in the Supreme Court at White Plains, charged , with the deliberate murder for purposes of robbery of Herbert B. Fellow , the station agent at Scarsdale, on the Harlem Railroad, and also the postmaster of Scarsdale village. It was one year a week ago Tuesday last since the murder occurred. It was about 9 o'clock in the evening that Fellows was shot down ; from behind by his friend and companion. young Burnz, and four hours later, at 1 o'clock on Wednesday morning. Dec. 6, Burnz was arrested as he was entering Madison Square Garden in company with a woman to see the bicycle race. Soon afterward he. with utter nonchalance, made a full confession and since then he has been confined in the White Plains Jail, having in the mean-time been indicted by the Grand Jury for murder in the first degree, under which indictment he is now on trial for his life. The defence in the case undoubtedly will

be insanity and distinguished experts in mental diseases, among them Dr. Spitzka and Dr. Macdonald will be called as witnesses. that young Burnz was an immoderate smoker of eigarettes, and this likewise probably will be introduced by the defence as either a cause or a symptom of the alleged insanity. When Burnz was first locked up in jail he was per-Burnz was first locked up in jail he was per-mitted to have two packages of cigarettes a day, but afterward the supply was reduced until his consumption of the article became comparatively temperate. As he appeared in court yesterday he gave no outward in-dication of an unbalanced mind or of having been physically unninged by excesses of any kind.

For a time he was slightly nervous as any intelligent terson would be when brought

BURNZ BROUGHT TO TRIAL. faint attempt to deny his guilt. In his confession made a few hours later, he said.

The desire of this station with Mr. Fellows that might at five minutes to a clock I was soing to the city on the 9.07 to lay down the road and I heard the 9.07 whistle at Sear-state due to the search of the capture over me, and I don't know the capture over me, and

going to the city on the 9.07. I got down the road and I heard it whistle, some incontrollable desire came over me, and I don't know why it was I rulled my revolver out of my pocket and as guick as a flash shot him in the "R. He walked two or three steps and controllable the heart of the pocket and as guick as a flash shot him in the real when he left I grabbled his satched and pocket brook. His pocket brook was in his back pocket and I took the satched from his hand and ran back toward the station, over toward the White Plains road, and down the White Plains road, and down went into Siattery's saloon at Tuckahoe, and went into Siattery's saloon at Tuckahoe, and went into Siattery's saloon at Tuckahoe, and the white Plains road toward Tuckahoe, and went into Siattery's saloon at Tuckahoe of "Before I got to Slattery's saloon at static away, after taking the money out of it, maybe \$25. These was about \$50 or \$55 in the pocketbook. I got to Slattery's saloon at about 10.15, and I left Tuckahoe on the 11.15 and got to New York about 12 o'clock at might. When I got to New York I went down through the Tenderloin and then went over to the bicycle race. I stind there a while and then went away. From there I went to the Bohemia and in there I mer the lady I was with. I asked her if she wanted to go to the bicycle match and there I was arrested."

In addition to Burnz's cigarette habit there probably will be set up a story to the effect that he suffered an injury when a child which affected his mind. The people in charge of the jail who have seen him every day during his confinement say that he has manifested no signs of insanity.

INVISIBLE DEVERY DID IT. The Impression Grows That the Transfers

Were His Own Idea. The police have not yet been asked to send out a general alarm for Chief Devery. His intimate friends know where he is undoubtedly. If he has gone on his vacation the members of the Police Board know nothing about it, and Deputy Chief Cortright has not assumed command as acting chief. In-spector James Kane was a caller at Headpuarters yesterday. He didn't ask to see the Chief, but walked into the Chief's private office and shut the door. The Chief's telephone rang a few minutes later and the Inspector talked for some time over the wire.

They Lay Before the War Board All They Snow of the Alleged Hazing and Cruelty at West Point Ductors Describe the

Conditions From Which Booz Suffered. PHILADELPHIA, Dec. 17. The military court f inquiry appointed by the Secretary of War to investigate the alleged hazing of Cadet Booz at West Point convened at Bristol to-day to take the testimony of the cadet's father, pastor and intimate friends, relative to the case. The court consists of Gen. John R. Brooke, Gen. Alfred E. Bates and Col. J. W. Clous. Capt. Thomas R. Adams, Fifth Artillery, has been detailed as recorder of the court, and Gen. Brooke is accompanied by Capt. James T. Dean as aide. Among those summoned were the Rev. Dr. Allison, who pronounced Booz the victim of persecution because of his Christian princi-ples: John Stuckert, a Bristol lawyer, and Dr. Willis P. Weaver. To-morrow, or later, the inquirers will proceed to West Point, where public sessions will be held in the Academic Building and officers of the post and cadets will be called to the stand.

William H Booz, father of the former cadet, and the Rev. Alexander Allison, pastor of the Bristol Presbyterian Church, met the members of the board at the railroad et tion and all went at once to the study of Dr. Allison in the Presbyterian Church on Cedar street. About fifty persons,

mostly newspaper men, were admitted. Mr. Booz said his son entered the Academy on June 20, 1898, and that his first letters home were full of pleased enthusiasm. Then he wrote of being hazed and made to bear various indignities, and finally of being called out to fight and being badly trounced. His eyes were discolored, he wrote, and he was black and blue over the region of his heart. The witness said he gave the boy permission to resign, after he had been in the academy four months, adding: "I don't

ELLIS ISLAND REOPENED.

Again It Is Commissioned as an Immigrant Receiving Station.

A red-haired Italian immigrant girl, alnost as broad as she is long, was caught yesterday morning by the Government photographer and immortalized as she was entering one of the portals of the new brick-and-stone building at Ellis Island. She is not particularly handsome, chiefly because of her ro-tundity, but she happened to be the first person from a foreign shore to enter the new immigration station, and that is the reason er spherical face and her happy and clabor-

immigration station, and that is the reason her spherical face and her happy and elaborate smile will be put in the picture records of the Treasury Department.

The registry clerk who made an effort to take her name says it is De Simone Carmina. Assistant Commissioner McSweeney grasped the newcomer by the hand and welcomed her to the land of opportunity. Somebody suggested to Mr. McSweeney that he should kiss the young woman, but he declined to do so because it was not so nominated in the bond. After the spherical young woman had passed through 653 other Itahan immigrants, all from the Kaiser Wilhelm II., followed her. Some of taem were detained, but the yest majority were permitted to land. After that there came in 631 homeseekers from the stranship Victoria, mostly Itahans, sail from the Vincenzo Florio, all Itahans, sail from the Vincenzo Florio, all Itahans, sail from the Price Cape in 631 homeseekers from the stranship Victoria, mostly Itahans, sail foot sturdy British persons from the cunarder Umbria.

Nearly all the furniture and other things necessary to carry on the business of the new station had been transferred from the Barge Office to Ellis Island early in the morning, and when Assistant Commissioner McSweeney and Commissioner Fitche arrived there everything was almost in working order. Pending the construction of the new ferry slips near the Barge Office the steamboat John G. Carlisle will carry the friends of immigrants and the immigration officials to and from the island from Pie 3, East kiver. The new immigration building is 385 feet long, 165 feet wide and 62 feet high. It has sleeping room for 600 persons and baths to accomodate 200 immigrants at one time. It will be possible to handle about 5,000 immigrants a day. Every immigrant who is not clean will be compelled to take a bath before entering the domain of Uncle Sam.

and commonstration of the new levery products are no construction of the new levery products and commonstration of the new levery products and the products are not to be a second to the commonstration of the new levery products are not to be a second to the new manufacture of the new levery products are not to be a second to the new manufacture of the new levery products are not to be a second to the new levery products and the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not to be a second to the new levery products are not t The second secon



NEW GARDINER CHARGES.

DISTRICT ATTORNEY SUMMONED TO HEARING BY THE GOVERNOR For Obstructing Prosecution of Election Cases by the Attorney-General's Office Deputy Attorney-General Hammond

the Complainant Charges and Reply. District Attorney Asa Bird Gardiner is again under charges of malfeasance, misfeasance and misconduct in office. Amos Knapp, Gov. Roosevelt's special messenger, appeared at the Criminal Courts Building esterday morning with a copy of the charges. which are made by Duputy Attorney-General John H. Hammond, and which concern the troubles Mr. Hammond has had on trying to prosecute election cases. Accompanying the charges was this letter to the District Attorney from Gov. Roosevelt:

"You are hereby notified that charges of malfeasance, misfeasance and misconduct in office have been preferred against yo by John Renry Hammond of the county of New York and a copy of said charges is herewith served upon you. You are hereby further notified to file your answer to such charges with me on or before Thursday charges with me on or before Thursday, Dec. 20, 1900, and that you will be afforded an opportunity to be heard in your defence in answer to such charges before me at the executive chamber in the city of Albany on Saturday, Dec. 22, 1900, at half past 11 o'clock in the foremon of that day.

"In witness whereof I have hereunto signed my name and affixed the privy seal of the State at Oyster Bay in the State of New York this seventeenth day of December, in the year of our Lord one thous and nine hundred.

The charges say that the District Attorney and his subordinates at his institution.



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eourt five h three in the The Come a brid Goets

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